

AO 241

(Rev. 12/04)

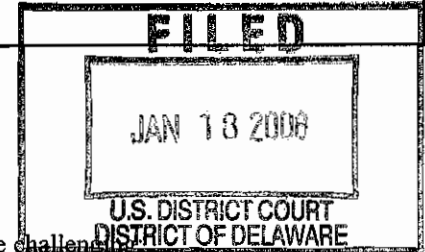
ORIGINAL

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08-40-1

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District: of Delaware
Name (under which you were convicted): Dash Coverdale		Docket or Case No.: 0601009995
Place of Confinement: Howard R. Young - P.O. Box 9561 - Wilm. Del. 19809		Prisoner No.: 203108
Petitioner (include the name under which you were convicted) Dash Coverdale		Respondent (authorized person having custody of petitioner) v. Raphael Williams
The Attorney General of the State of Joseph Biden III		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: Superior Court of Delaware - New Castle County Scanned
- (b) Criminal docket or case number (if you know): 0601009995
2. (a) Date of the judgment of conviction (if you know): April 3, 2007
- (b) Date of sentencing: April 3, 2007
3. Length of sentence: one year probation and consecutive six months probation
4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☒ No
5. Identify all crimes of which you were convicted and sentenced in this case: _____
- _____
- _____
6. (a) What was your plea? (Check one)
- ☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☒ (2) ~~plea~~ Guilty ☐ (4) Insanity plea
- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? N/A

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court?

☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: Supreme Court of Delaware

(2) Docket or case number (if you know):

(3) Result: Do not have jurisdiction at this time

(4) Date of result (if you know): Jan. 7 2008

(5) Citation to the case (if you know):

(6) Grounds raised: Calling into several Constitutional issues - SEC Grounds

(h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

- (1) First petition: ☐ Yes ☐ No
- (2) Second petition: ☐ Yes ☐ No
- (3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

N/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: *Violation Under the United States Constitution 5th and 14th Amendments of the Due process of law, and Equal Protection Clause - and Deliberate*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Facts:

(b) If you did not exhaust your state remedies on Ground One, explain why:

N/A / at this time calling into several constitutional issues and file for a hearing. - File For Immediately hearing - no response

(c) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No
- (2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

- (2) If your answer to Question (d)(1) is "Yes," state:

N/A

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state: _____

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____GROUND TWO: Violation Under Delaware Criminal Code Title 11
Section 4339 LC) and Under Delaware state 142nd General Assembly
Bill No. 50

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Facts

(b) If you did not exhaust your state remedies on Ground Two, explain why: File For Immediate Violation hearing - no response from court

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____
_____ *n/A* _____
_____(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:
_____ *n/A* _____

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :
have used to exhaust your state remedies on Ground Two _____
_____ *n/A* _____

GROUND THREE:*Delaware Criminal Rules 32.1 of
the Superior Court Rules.*

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attached Facts.

- (b) If you did not exhaust your state remedies on Ground Three, explain why: _____
_____ *n/A* _____

(c) **Direct Appeal of Ground Three:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

- (2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

n/a at this time

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

n/a

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

*File For a immediate violation hearing to be brought before the courts
no response by the courts*

GROUND FOUR: *Violation of the United States Constitution Sixth Amendment and Delaware Constitution - Right to Counsel*

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See Attach Facts

N/A

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

N/A

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No *N/A*

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

n/p

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

n/p

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

(b) At arraignment and plea:

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

n/p

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

Do not Apply

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

Order the Superior Court of Delaware the Honorable Peggy Altheman to immediately set a hearing for petitioner violation of Probation to be heard or release petitioner
or any other relief to which petitioner may be entitled.

Pro'se Dash Coveable

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on January (month, date, year).

Executed (signed) on 13, 2008 (date).



Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

IN FORMA PAUPERIS DECLARATION

[insert appropriate court]

Dosh Coverdale - Petitioner v. Ralphe Williams - Warden
Case NO: 0601009995

Page(1)

FACTS OF CASE

of Unit

(1). On April 3, 2007 the petitioner appeared before the Honorable Pegg L. Ableman and Pled guilty in Case NO: #0601009995 (Receiving Stolen Property) and Case NO: #0601009995 (Possession of a Narcotic Sch.) - misdemeanors.

(2). The Honorable Judge imposed a sentence against the petitioner to a period of one year probation for Receiving Stolen Property and a consecutive term of ~~one year~~ six months probation.

(3). The petitioner was assigned to Mr. Jack Reyes by the Department of Adult and Probation Department of the State of Delaware for New Castle Co.

(4). On September of 2007 the City of Wilmington Police Department file a Criminal warrant in case NO: #0709009863 against petitioner for Domestic Family Issues.

(5). On November ²⁰⁰⁷ ~~6~~ petitioners probationary officer filed a violation of Probation based on;

A The Domestic Family Issues in Case NO: 0709009863

B Warrant based on a Bad Check out of State - West Chester.

C Missing Five House appointment check.

Dosh Coverdale - petitioner v. Ralphe Williams - Warden
#0601009995

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Facts

of Writ

(6) On November 21, 2007 the petitioner, Dosh Coverdale was brought before the Superior Court before the Honorable Michael Reynolds to set bail on the violations.

(7) On the above date the Honorable Judge Michael Reynolds set petitioner bail on case NO: #0601009995 in the amount of \$10,000.00 cash and set a court hearing for December 4, 2007 before Honorable Peggy Ableman.

(8) On December 4, 2007 the petitioner appeared before the Honorable Albelman, during the course of the proceedings the probation officer Jack Reyes asked the courts for a continuance based on petitioners new charges.

(9) The Honorable Albelman continue petitioner probation which petitioner objected to have his case continue on the violation of Probation, see court transcripts as Exhibit

(10) On December 13, 2007 petitioner file with Superior Court a Petition For A Immediate Violation Hearing and also forward a copy to Honorable Peggy Albelman. see court Exhibit

(11) As of January 8, 2008, the Family Court of Delaware Dismissed the Charges in case NO 0709009863, see Exhibit one

Dosh Coverdale - Petitioner vs. Ralph Williams

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of Writ

Facts

(12) The petitioner do not have any charges pending in any courts.

(13) The Honorable Judge has not answer petitioner motion and it has been 60 days petitioner been incarcerated on the violation of Probation without a hearing.

(14) The petitioner appeal these issues to the Delaware Supreme Court the Supreme Court stated they do not have jurisdiction.

(15) The petitioner is unlawful and being deprived to be immediately brought before the Superior Court of Delaware before Honorable Peggy Aleblman to be heard on his violation of probation.

(16) The petitioner, petition the Public Defenders Office and the courts to have counsel appointed for violation probation hearing, to move the courts to set a date to be heard.

(17) The Courts nor the Public Defender Act on petitioner, Dosh Coverdale requests.

(18) Petitioner Dosh Coverdale is being deprived of his rights by not having a speedy Revocation of Probation as require and Delaware laws and Constitution.

Dostt Coverdale #203108

Howard R. Dostt, Clerk

DE 1980 P.O. Box 986 17 2035 16 17

Wilmington Delaware 19801

Clerk, United States District Court

For The District of Delaware

844 North King Street, Lockbox 18

Wilmington Del 19801

Legal Mail

